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OFFICE OF PETITIONS

In re Application of Becker et al.	:	
Application No. 10/005,208	:	Decision on Petition
Filing Date: December 4, 2001	:	
Attorney Docket No. Harman 6470	:	

This is a decision on the petition under 37 CFR 1.181, filed May 10, 2007, to withdraw the holding of abandonment.

The petition is **granted**.

This application was held abandoned for failure to respond on or before October 19, 2006, to the Office action of July 19, 2006, which set a three (3) month shortened statutory period for reply.

A Notice of Abandonment was mailed on May 3, 2007.

Petitioner asserts a reply in the form of an amendment was timely filed in response to the July 19, 2006 Office action. In support of the petition, petitioner has submitted a date-stamped postcard receipt, indicating the Office received an, "Amendment," on September 5, 2006. A copy of the reply accompanies the petition.

The original reply filed September 5, 2006, was not matched with the file and cannot be located. However, M.P.E.P. 503 states, "[a] postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded a reply was timely filed in the Patent and Trademark Office but not matched with the application file.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 2617 will be informed of the instant decision and the reply filed with the petition will be entered and considered by the examiner in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

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Office of Petitions